

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
GLOBE WIRELESS RADIO SERVICES, INC.	)	WT Docket No. 14-43
	)	
Request for Waiver of Part 80 Rules to Allow	)	
Communications Between Public Coast Station	)	
Above 5 MHz	)	

**ORDER**

**Adopted: September 25, 2014**

**Released: September 25, 2014**

By the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau.

1. *Introduction.* This *Order* grants the requests of Globe Wireless Radio Services, Inc. (GWRS) for waiver of Section 80.453(d)(5) of the Commission's Rules<sup>1</sup> to allow the use of high frequency (HF) public coast frequencies above 5 MHz for communications between public coast stations. GWRS seeks waivers for its high seas public coast stations KFS,<sup>2</sup> Palo Alto, California; KPH,<sup>3</sup> Rio Vista, California; WCC,<sup>4</sup> Bishopville, Maryland; WNU,<sup>5</sup> Pearl River, Louisiana; and a new station<sup>6</sup> at Long Island, New York.

2. *Background.* In the Maritime Service, public coast stations may use VHF band frequencies to serve a port area, or LF, MF, and HF bands to serve vessels on the high seas, often hundreds or even thousands of miles from land. Public coast stations are commercial mobile radio service providers that allow ships at sea to send and receive messages and interconnect with the public switched network.<sup>7</sup> Each public coast station has exclusive use of one or more public correspondence channels within its service area or region of operation. In this connection, public coast stations serve foreign and domestic vessels along inland waterways, in coastal areas and on the high seas.

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<sup>1</sup> 47 C.F.R. § 80.453(d)(5).

<sup>2</sup> FCC File No. 0006152295 (filed Feb. 13, 2014).

<sup>3</sup> FCC File No. 0006164248 (filed Feb. 19, 2014).

<sup>4</sup> FCC File No. 0006164281 (filed Feb. 19, 2014).

<sup>5</sup> FCC File No. 0006164342 (filed Feb. 19, 2014).

<sup>6</sup> FCC File No. 0006143672 (filed Feb. 13, 2014), *see also* Public Notice, Report No. 9361 (WTB rel. Feb. 19, 2014).

<sup>7</sup> *See* Implementation of Sections 3(n) and 332 of the Communications Act -- Regulatory Treatment of Mobile Services, *Second Report and Order*, GN Docket No. 93-252, 9 FCC Rcd 1411, 1448 (1994); *see also* 47 C.F.R. § 20.9(a)(5).

3. Section 80.453 permits public coast stations to provide radiotelephone and radiotelegraph service to ships and shore stations under certain conditions, but permits radiotelegraph communications between public coast stations only on frequencies between .415 MHz and 5 MHz. GWRS seeks waiver of this rule. On March 10, 2014, we sought comment on GWRS's waiver request.<sup>8</sup> No comments were received.

4. *Discussion.* Section 1.925(b)(3) of the Commission's Rules provides that we may grant a waiver if it is shown that (a) the underlying purpose of the rule(s) would not be served or would be frustrated by application to the instant case, and grant of the requested waiver would be in the public interest; or (b) in light of unique or unusual circumstances, application of the rule(s) would be inequitable, unduly burdensome, or contrary to the public interest, or the applicant has no reasonable alternative.<sup>9</sup> We find that the waiver requested by GWRS is warranted under the circumstances presented.

5. We agree with GWRS that limiting communications between public coast stations to frequencies below 5 MHz imposes an unnecessary burden on operators and we conclude that the underlying purposes of Section 80.453(d)(5) would not be served or would be frustrated. In the past, a large number of domestic and international coast stations provided multiple HF sub-bands for inter-station communications, but factors such as a decline in licensed public coast stations; longer distances between stations; and disruptive HF propagation characteristics such as sunspot cycles, atmospheric, and seasonal conditions make it necessary to access all licensed HF frequencies. Allowing inter-station HF communications on frequencies above 5 MHz will provide more frequencies and significant diversity to assure reliable HF communications links under virtually any atmospheric condition.

6. Moreover, we note that former Section 81.202(c)(5) of the Commission's Rules, the predecessor to Section 80.453(d)(5), provided, "*insofar as may be practicable*, only authorized frequencies within the band 415 kHz to 5000 kHz shall be used."<sup>10</sup> When the Commission reorganized the maritime rules, it stated that it was only streamlining and reorganizing these rules, and "d[id] not intend to alter substantive requirements applicable to the various maritime services except where specifically described."<sup>11</sup> Because GWRS has demonstrated that using only frequencies below 5 MHz for communications between coast stations is not practicable, we conclude that grant of the waiver does not undermine the purpose of the rule. We therefore grant the requested waiver of Section 80.453(d)(5) to permit GWRS to communicate between public coast stations on authorized frequencies above 5 MHz.

7. Accordingly, IT IS ORDERED, pursuant to Sections 4(i) and 303(i) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(i), and Section 1.925 of the Commission's Rules, 47 C.F.R. § 1.925, that the Requests for Waiver of Section 80.453(d)(5) of the Commission's Rules, 47 C.F.R. § 80.453(d)(5) in association with applications FCC File Nos. 0006152295, 00061694248,

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<sup>8</sup> See Wireless Telecommunications Bureau Seeks Comment on Request by Globe Wireless Radio Service Inc. for Waiver of Part 80 Rules to Allow Communications Between Public Coast Stations Above 5 MHz, *Public Notice*, WT Docket No. 14-43, 29 FCC Rcd 2628 (WTB MD 2014).

<sup>9</sup> 47 C.F.R. § 1.925(b)(3); *see also WAIT Radio v FCC*, 418 F. 2d 1153, 1159 (D.C. Cir. 1969).

<sup>10</sup> 47 C.F.R. § 81.202(c)(5) (1985) (emphasis added).

<sup>11</sup> See Reorganization and revision of Parts 81 and 83 of the rules to provide a new Part 80 governing the maritime radio services, *Report and Order*, PR Docket No. 85-145, 60 Rad. Reg. 2d (P & F) 1550, FCC 86-141, ¶ 14 (1986).

0006164281, 0006164342, and 0006143672 filed by Globe Wireless Radio Services, Inc. on February 13 and 19, 2014, ARE GRANTED to the extent specified herein.

8. IT IS FURTHER ORDERED that applications FCC File Nos. 0006152295, 00061694248, 0006164281, 0006164342, and 0006143672 SHALL BE PROCESSED consistent with this *Order* and the Commission's Rules.

9. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone  
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